HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.24099, 24122 and 24158 of 2006

Dated:20.11.2006

Between:

Md.Idris, and others.

…Petitioner

and

Govt.of A.P. and another.

…Respondents

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WRIT PETITION Nos.24099, 24122 and 24158 of 2006

COMMON ORDER:

The petitioners in these Writ Petitions allegedly own small extents of residential houses constructed on small extents of land situated at Rethibowli, Gudimalkapur, Hyderabad. They allege that they purchased the property under registered sale deeds and living there duly paying necessary charges for the utilities like water, electricity and municipal services. It is their further allegation that on 08.11.2006, the second respondent threatened to demolish the houses, and again on 14.11.2006 the second respondent came with labour and machinery and demolished the compound walls. So as to prevent further damage allegedly being caused by the second respondent, the petitioners invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

Learned Counsel for the petitioners vehemently contends that the petitioners have cogent and convincing evidence in proof of their title, that the land where the petitioners' houses are constructed is not Government land, and that without due process of law, the respondents cannot be permitted to resort to highhanded action. **Opposing** the Writ Petitions, the learned Assistant Government Pleader submits that the Mandal Revenue Officer (MRO) went to the

area to prevent some of the encroachers from raising structures on the Government land, that the MRO did not demolish either the houses or compound walls of the properties allegedly owned by the petitioners. He also does not dispute the legal position canvassed by the learned Counsel for the petitioners.

This Court is not inclined to go into the controversy whether the petitioners are squatting in the Government lands or not. It is a question of fact, which has to be decided before appropriate forum. This Court is also convinced that there is no necessary material placed before this Court to draw a positive inference in favour of the petitioners that there is a serious threat of highhanded demolition. Therefore, while dismissing the Writ Petitions this Court observes that if for any reason, the petitioners have to be evicted, the second respondent has to issue notice, obtain explanation from the petitioners and then only can take necessary action under the Andhra Pradesh Land Encroachment Act, 1905.

The Writ Petitions, with the above observations, are accordingly dismissed. No costs.

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(V.V.S.RAO, J)

20.11.2006
vs